

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

QUITMAN CARTER,)
)
)
Movant,)
)
)
vs.) Case No. 1:07CV49 CDP
)
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER AND MEMORANDUM

Quitman Carter brings this post-conviction motion for relief under 28 U.S.C. § 2255. Carter alleges that various of his constitutional rights were violated when he pleaded guilty to being a felon in possession of a firearm and was sentenced to fifteen years incarceration. On November 28, 2005, Carter entered a plea of guilty, and on February 13, 2006, he was sentenced. Because Carter did not file an appeal, Carter's conviction and sentence became final on February 23, 2006. Carter filed this § 2255 motion on March 26, 2007. Carter's motion is time-barred because it was filed outside of § 2255's one year statute of limitations. 28 U.S.C. § 2255.

Neither Carter's motion nor his traverse state any reason why Carter's motion should be considered timely even though it was filed more than a year after his conviction and sentence became final. Carter does not allege that the

government created any impediment to his making this motion, that the Supreme Court has newly recognized the right he asserts in this petition, or that new facts have been discovered that could not have been discovered before his conviction became final. As a result, the one year limitations period in this case began to run on February 23, 2006, and Carter's March 26, 2007 motion is untimely.

Accordingly,

IT IS HEREBY ORDERED that the motion to vacate, set aside or correct sentence [#1] is denied.

IT IS FURTHER ORDERED that this Court will not issue a certificate of appealability, as movant has not made a substantial showing of the denial of a federal constitutional right.

A separate Judgment in accord with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of December, 2007.